

U. S. DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
RECEIVED - LAFAYETTE

JAN 24 2014

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE-OPELOUSAS DIVISION

TONY R. MOORE, CLERK  
DEPUTY

2014 JAN 24 P 4:53

CATHERINE A. OBAFUNWA

\*

CIVIL ACTION NO.: 6:12-cv-02919

VERSUS

\*

JUDGE REBECCA F. DOHERTY

GILES AUTOMOTIVE, PATRICK  
MILLER AND GORDON BREAUX  
AND XYZ INSURANCE COMPANY

\*

MAGISTRATE JUDGE C. MICHAEL  
HILL

OBJECTIONS TO REPORT AND RECOMMENDATION

NOW INTO COURT, through undersigned counsel, comes Defendant, Giles Automotive, Inc. ("Giles"), who, pursuant to Rule 72 of the Federal Rules of Civil Procedure and 28 U.S.C. § 636(b)(1)(A),<sup>1</sup> objects to the ruling of the Honorable Magistrate Judge C. Michael Hill (Document No. 41), served on January 10, 2014, and recommending denial of Giles' motion to compel arbitration and stay the present action pending arbitration (Document No. 27). Giles hereby objects to and appeals said ruling, and moves this Court for review and reversal of said ruling, because it is clearly erroneous and contrary to the law and facts. The basis of Giles' objections is more fully specified in the attached Memorandum in Support.

<sup>1</sup> It is the understanding of undersigned counsel that this motion was referred to the Honorable Magistrate Judge Hill under 28 U.S.C. § 636(b)(1)(A), with Judge Hill having the authority to both hear and determine the matter (See Document 29). Nevertheless, the report and recommendation entered by Judge Hill, and to which Giles now objects, appears to have been made pursuant to jurisdiction under §636(b)(1)(B) (See Document 41). Undersigned counsel respectfully also notes that, pursuant to a Notice, Consent, and Reference of a Civil Action to a Magistrate Judge, submitted to the Clerk of Court on December 17, 2013, with signed consent of all parties, Judge Hill's jurisdiction over this matter is now clearly established under 28 U.S.C. § 636(c). However, due to the change in jurisdiction during the pendency of this motion, and out of an abundance of caution, Giles now respectfully objects to the report and recommendation of Judge Hill.

Respectfully submitted:  
JUNEAU DAVID, APLC

*/s/ Alyse S. Richard*

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COUNSEL FOR  
GILES AUTOMOTIVE, INC.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on January 24, 2014, I presented the foregoing to the Clerk of Court for filing and uploading to the CM/ECF system which will send notice of such electronic filing to all known counsel of record who are participants.

*/s/ Alyse S. Richard*

ALYSE S. RICHARD